

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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WILLIAM L. SULLIVAN, #157 996 \*

Plaintiff, \*

v. \*

2:05-CV-1033-MEF  
(WO)

SIDNEY WILLIAMS, *et al.*, \*

Defendants. \*

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**ORDER ON MOTION**

Plaintiff filed a Motion for Appointment of Counsel on August 12, 2008. Plaintiff's request for representation has been read, considered, and the same shall be denied. *See Killian v. Holt*, 166 F.3d 1156, 1157 (11th Cir.1999); *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993); *see also Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990).

Accordingly, it is ORDERED that Plaintiff's Motion for Appointment of Counsel (*Doc. No. 101*), be and is hereby DENIED.

Plaintiff's request for counsel, construed to contain a motion for leave to file a dispositive motion, *i.e.*, a motion to dismiss without prejudice, shall be denied.<sup>1</sup> (*See Doc. No. 10 at pg. 2, ¶3.*) Accordingly, it is

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<sup>1</sup>The court notes that Plaintiff's request for leave to file a motion to dismiss complaint without prejudice is filed after entry of both a Recommendation and Supplemental Recommendation of the Magistrate Judge recommending that Defendants' motion for summary judgment be granted.

ORDERED that Plaintiff's motion for leave to file a dispositive motion (*Doc. No. 101*) be and is hereby DENIED.

Done, this 13th day of August 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE